

**Testimony by Thomas R. Pickering,
Chairman of the Benghazi Accountability Review Board
Before the House Committee on Oversight and Government Reform
September 19, 2013, 10:00 a.m.**

Chairman Issa, Ranking Member Cummings, and Members of the Committee:

Thank you for the opportunity to appear before you in this important matter. In light of your interests, I want to address in my testimony today three major areas: the role and proceedings of the Benghazi Accountability Review Board (ARB) from October 5, 2012 to December 17, 2012, the major findings of the ARB, and its recommendations. I will end with a short personal conclusion.

The events of the night of September 11 - September 12, 2012 resulted in the loss of 4 brave Americans and the wounding of several others. Ambassador J. Christopher Stevens was among them, the first American Ambassador to be killed in the line of duty for nearly 25 years. We all felt a special sense of grief and involvement in response to this destructive attack on our colleagues and that motivated the Board to work as effectively and rapidly as was possible under the circumstances. Ambassador Stevens and I were close colleagues in the late 1990s when we worked together for 2 years.

The loss of these individuals is devastating to our country and, most especially, their families. We sympathize with them in their loss.

The Board and its Proceedings

The Board met pursuant to a statute: US Code Title 22, Chapter 58, subchapter III, Section 4831 Accountability Review Boards, and at the call, under that statute, of the Secretary of State.

The statute provides that "... in the case of serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, ... the Secretary of State shall convene an Accountability Review Board..."

Under the statute, the ARB is charged with addressing certain questions clearly designed to understand what happened and on that basis address recommendations for seeking to reduce, avoid, and, where possible, prevent such instances from occurring in the future.

The questions under the statute are:

- (1) The extent to which the incident with respect to which the Board was convened was security related;
- (2) Whether the security systems and security procedures at that mission were adequate;
- (3) Whether the security systems and security procedures were properly implemented;
- (4) The impact of intelligence and information availability; and
- (5) Such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

The Board is asked to include recommendations as appropriate "...to improve the security and efficiency of any program or operation which the Board has reviewed."

Finally, with regard to personnel, "[w]henver the Board finds reasonable cause to believe that an individual... has breached the duty of that individual..." the Board should report that finding to the appropriate Federal agency or instrumentality.

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The Board met almost continuously for two and a half months. Its membership included Admiral Mike Mullen, USN (ret) and former Chairman of the Joint Chiefs of Staff as Vice Chairman; Ms. Catherine Bertini, professor at the Maxwell School of Syracuse University and former United Nations Under Secretary General for Management; Mr. Richard Shinnick, a retired Foreign Service officer with a distinguished career in administration, management, overseas buildings, security issues and a former 15-year member of the New York City Fire Department - all appointed by the Secretary of State; and Mr. Hugh Turner, a retired senior intelligence officer with experience in North African issues, appointed under the statute by the Director of National Intelligence.

The group worked collegially and intensively and, after extensive activities outlined below, reached unanimous conclusions reflected in a report. It included 29 recommendations, all of which have been accepted for implementation both by Secretary Hillary R. Clinton and by her successor in office, Secretary John Kerry. That implementation, I understand, is now ongoing by the State Department with the assistance of the Congress on a number of recommendations.

The report was prepared in two forms, a slightly longer classified report and an unclassified report, which has been released to the public.

The Board conducted about 100 interviews, beginning with key personnel who were on the ground during the events in Benghazi. It further reviewed many thousands of pages of documents and viewed hours of video, including security surveillance footage and Predator drone footage of portions of the events in Benghazi as they took place. It was provided with the fullest cooperation by the Department of State and all elements of the US Government. It interviewed experts from outside the government, and in a few cases officials of international organizations and foreign governments. The cooperation we received was exemplary and we are grateful for it.

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In addition, we worked closely with the Federal Bureau of Investigation and the Department of Justice who, pursuant to their statutory responsibilities, are carrying out the criminal investigation of the matter.

The Board was supported by a small staff drawn from several offices of the Department of State which served to assist the Board in its inquiries and review and who maintained the objectivity and interest which it is clear the statute and the action of past Boards required. We continue to express our admiration and thanks to them for the long hours, excellent research,

useful advice and unlimited devotion to the full and successful completion of the task. The Board and the staff shared an unalloyed commitment to doing all they could to find the answers and make appropriate recommendations to avoid any future loss of life or property.

The Findings¹

1. The attacks were security related, involving the use of armed force against US personnel at two facilities. Responsibility for the loss of life and other damage rests completely with the terrorists who carried out the attacks. The attacks were unprecedented in their scale and intensity. There was no protest prior to the attacks.
2. Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the Department of State resulted in a security posture at the special mission in Benghazi that was inadequate for the mission and grossly inadequate to deal with the attacks.

Security was not seen as a “shared responsibility” in Washington, resulting in stove-piped decisions on policy and security.

The short-term and transitory nature of the special mission facility resulted in temporary staff assignments of 40 days or less, which diminished institutional knowledge, continuity, and mission capacity.

Overall, the number of State security officers assigned to Benghazi before and during the attack was inadequate despite requests for additional staff.

The insufficient state of the Benghazi platform was at variance with established security standards regarding both perimeter and interior security. It was under-resourced with respect to security equipment, despite efforts to establish some upgrades.

The uncertain future of the special mission and its “non-status” as a temporary, residential facility made resource allocations difficult and left responsibility with field / working level people with scarce resources.

In the weeks leading up to the attack, the response to a deteriorating situation was inadequate at all three levels – Benghazi, the Embassy at Tripoli and Washington.

Dependence on the local authorities, the traditional bedrock for diplomatic security, was limited to poorly armed and unreliable local militia members. This dependence was misplaced.

All were aware of the September 11 anniversary of the events of 2001 in the US and there were no credible reports of a threat. Ambassador Stevens took the date into account by not

¹ Numbers key to statutory questions, above.

venturing outside the facility that day.

Ambassador Stevens decided to visit independently of Washington, in accord with standard practice. Several factors including commitments in Tripoli drove the timing. Travel and security plans for the trip were not shared widely in Tripoli among US Embassy personnel. The declining security situation was not seen by Ambassador Stevens as a factor. His position as the leading US government expert on Benghazi caused Washington to give unusual deference to his judgments on those issues.

Communication, cooperation and coordination among Washington, Tripoli and Benghazi functioned collegially at the working level but were constrained by a lack of transparency, responsiveness and leadership at senior levels. There was confusion in the Department over who was ultimately responsible and empowered to make decisions that involved both policy and security considerations.

3. Notwithstanding the proper implementation of security systems and procedure and the remarkable heroism shown by American personnel, those systems and the Libyan response fell short in the face of the attacks which began with the penetration of the mission by dozens of armed attackers.

The Board found the response by both the armed and unarmed Libyan guards to be inadequate. There is little evidence that the armed guards offered any meaningful resistance or moved to summon expeditious help from their fellow militia members.

The Board found the Libyan government's response to be profoundly lacking on the night of the attacks, reflecting both weak capacity and the near absence of central government influence and control in Benghazi.

The Libyan government did facilitate help from government-aligned militia, supporting the US evacuation to the airport on the morning of September 12 and provided a military C-130 aircraft to evacuate US personnel and the bodies of the deceased.

The Board determined that the US personnel on the ground acted with courage and a readiness to risk their lives to protect their colleagues in a nearly impossible situation. The Board believes that every effort was made to rescue and recover Ambassador Stevens and Sean Smith.

The interagency response was timely and appropriate. There was not enough time for US military assets to have made a difference.

4. The Board found that US intelligence provided no immediate, specific tactical warning of the attack. Known gaps existed in the US intelligence community's understanding of extremist militias in Libya and the potential threat they posed to US interests, although some threats were known to exist.

5. The Board found that certain senior officials within two bureaus of the Department demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by the Benghazi special mission given the deteriorating threat environment and the lack of reliable host country protection. The Board did not find reasonable cause to determine that any individual US government employee breached his or her duty.

Key Recommendations

The board provided recommendations in six areas: Overarching Security Considerations; Staffing High Risk, High Threat Posts; Training and Awareness; Security and Fire Safety Equipment; Intelligence and Threat Analysis; and Personnel Accountability. The bulk of the recommendations (24 of 29) appear in the unclassified report and will be considered in this testimony. The Board was struck by a number of factors, including the degree to which many of the considerations underlying and motivating our recommendations echoed the recommendations of some of the 19 preceding Accountability Review Board reports (all of which we reviewed carefully): the difficulties in determining risk, the relationship between risk and policy imperatives and the problems of dealing with significant uncertainties in these equations, and finally the degree to which habit, conditioning, and long periods without tragedy or catastrophe conditions the human mind to lose sight of or lack an appreciation of the potential for the re-occurrence in some form or other of those significant contingencies.

Overarching Security Considerations:

1. The State Department must strengthen security for personnel and platforms beyond traditional reliance on host country protection in high risk, high threat posts (defined as posts in countries with high levels of political violence and terrorism, governments with a weak capacity to protect, or platforms which fall well below established standards). The Department should urgently review the balance between risk and presence. We did not agree no presence was an appropriate answer in most cases. The basis for a review should include a defined, attainable, priority mission; clear eyed assessment of the risks and costs; commitment of sufficient resources to mitigate risks; and constant attention to changes in the situations including when to leave and perform the mission from a distance.
2. The Department should re-examine the Diplomatic Security (DS) organization and management, especially regarding span of control for security planning for overseas missions. The Board welcomed the appointment of a new DS senior official to look after high risk, high threat posts.
3. The Ambassador carries full and direct responsibility for security in the field and thus risk management for the country in which he or she serves. Each regional Assistant Secretary in Washington should have corresponding responsibility in support of the Ambassador. Regional bureaus need to augment their personnel and attention to this duty.

4. The Department should organize a panel of outside, independent experts to identify best practices and regularly assist DS in evaluating US security in high risk, high threat posts.
5. The Department should develop minimum security standards for occupancy of high risk, high threat posts and seek greater funding for upgrades to such posts.
6. Before opening high risk, high threat posts, the department should establish a multi-bureau support cell residing in the regional bureau whose purpose is to secure funding, including for physical security measures, staffing of security and management personnel and providing equipment.
7. The Nairobi – Dar es Salaam ARB of January 1999 called for co-location of all newly constructed State Department and other US government facilities. Where they are in the same metropolitan area, this should be carried out unless a waiver has been approved.
8. The Secretary should require an action plan on dealing with the use of fire as a weapon, including taking immediate steps to deal with urgent issues. The report should include a review of training in this area for all employees.
9. The Department should revise its guidance to insure that tripwires trigger action and not merely serve as threat indicators.
10. Recalling the incomplete construction recommendations of the Nairobi – Dar es Salaam ARB, The Department should work with the Congress to restore the Capital Cost Sharing Program to its full capacity adjusted for inflation to about \$2.2B for fiscal 2015 in a ten-year program to address outstanding needs in high risk, high threat areas. It should also work with the Congress to expand utilization of Overseas Contingency Operations funding to meet emerging vulnerabilities.
11. The Board supports the Department's initiative to expand the Marine Security Guard program, including funding for more Marine guards as well as additional flexibilities in its implementation.

Staffing High Risk, High Threat Posts

12. The Board supports increased DS staffing and for Mobile Security Deployment Teams to meet critical needs.
13. Assignments to high risk, high threat posts of key security and other personnel should be for a minimum of one-year. For less critical people, it should be for a minimum of 120 days. The Board suggests a review with an eye to using authorities to assign temporary personnel to such posts for a longer period of time, including retirees in "When Actually Employed" status.
14. The Board also suggests a review of staffing at such posts to assure engagement of adequate Locally Employed Staff and adequate management support, with a particular

focus on interpreters and translators.

15. With a heavy focus continuing on the Middle East, the Department should enhance ongoing efforts to upgrade language training, especially in Arabic, for all employees, including from DS, and seek greater resources to do so.
16. A panel of senior, experienced DS agents should revisit high level threat training, especially regarding internal defense and fire survival as well as Ambassadorial protective details.
17. The Diplomatic Security Training Center and the Foreign Service Institute should design a joint course in high level threat training for both DS and regular Foreign Service officers at the mid-level. They should consider all US government and other best practices and the training should be mandatory for assignment to high risk, high threat posts.

Security and Fire Safety Equipment

18. Adequate equipment should be provided for safe havens in both upgraded Inman facilities and non-Inman buildings.
19. With technical advancements in non-lethal deterrents, the Department should ensure that it procures such deterrents and trains rapidly for their use.
20. DS should upgrade surveillance cameras at high risk, high threat posts for greater resolution, nighttime visibility and better monitoring capability.

Intelligence and Threat Analysis

21. While intelligence capabilities have improved post-2001, there is no certainty of warning information. More attention needs to be given to generally deteriorating threat situations. Key trends need to be identified early to sharpen risk calculations.
22. The DS Office of Intelligence and Threat Analysis should report directly to the DS Assistant Secretary and support all DS components, regional Assistant Secretaries, and Ambassadors with threat analysis.

Personnel accountability

23. The Board recognizes that poor performance does not ordinarily constitute a breach of duty that would serve as a basis for disciplinary action, but instead needs to be addressed by the performance management system. However, the Board is of the view that findings of unsatisfactory leadership performance by senior officials in the case of Benghazi should be a potential basis for discipline recommendations by future ARBs and would recommend a revision of Department regulations or amendment of the relevant statute to this end.

24. The Board believes the courage and integrity shown by those on the ground in Benghazi and particularly the DS agents and the Annex team who defended their fellow employees, the Tripoli response team, those in Benghazi and Tripoli who cared for the wounded and the many who served in Benghazi in the difficult months leading up to the attacks should be recognized for their exceptional valor and performance in the highest ideals of government service.

Conclusion

It was an honor to be called upon once again for government service on the Benghazi ARB. I am grateful for the opportunity. And even more, I am grateful for the expectation that what we did together will help in avoiding loss of life, property and esteem for our people, our country and our government in the future.

After 45 years in government service, it is realistic to understand that, although global challenges are growing and pitfalls have become more prominent, the world, despite its obvious disillusionment and frustrations with the United States, still looks to us for leadership. That is in part because we have a first class Foreign Service and the strength, both military and economic, as well as the values and principles to which they look, especially in times of crises.

Many have said our report will either advocate mere reinforcement of fortress embassies or closing down our presence. No conclusion like that could be farther from the truth. We recognize that perfection in protection is not possible and that fine and good men and women will still come forward to serve their country and risk their lives on the front lines of danger. We should continue to do all we can to protect them as they go about such challenging tasks. That was the sole purpose of our report and it was produced with a deep sense that we had to get it right - politics, elections, personal controversy and all other external factors aside.

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I am aware that no report will ever be perfect. But I am proud of this one which has been seen by many as clear, cogent and very hard hitting - as it should be. New information is always welcome. I feel that this report is still on the mark, free of cover up and political tilt, and will personally welcome anything new which sheds light on what happened and that helps us to protect American lives and property in the future.

Finally, I recognize that we are a government of branches and checks and balances. I have always respected the Congress and the tasks it must assume to make our nation great. I appear today against the backdrop of those beliefs. We will not always agree, but let us always agree that the national interest, the best interests and welfare of the American people, are the criteria against which we serve.



BIOGRAPHY - Thomas R. Pickering

Other Releases



Ambassador Pickering retired from the State Department as Under Secretary of State for Political Affairs. In a diplomatic career with service in each of the major continents, Ambassador Pickering reached the rank of Career Ambassador, the highest in the U.S. Foreign Service. He served as U.S. Ambassador to the Russian Federation, India, Israel, El Salvador; Nigeria, and Jordan. He also was the U.S. Ambassador and Representative to the United Nations in New York, where he led the U.S. effort to build a coalition in the UN Security Council during and after the first Gulf War. He has held additional positions in Tanzania, Geneva, and Washington, including as Assistant Secretary of State for the Bureau of Oceans, Environmental and Scientific Affairs and as Executive Secretary of the Department and Special Assistant to Secretaries of State William P. Rogers and Henry A. Kissinger.

After retiring from the State Department in 2000, Ambassador Pickering joined The Boeing Company as Senior Vice President International Relations and member of the Executive Council, where he was responsible for the Company's relations with foreign governments and the globalization of Boeing.

Ambassador Pickering holds a B.A. from Bowdoin College, an M.A.L.D. from the Fletcher School of Law and Diplomacy, and a second M.A. from the University of Melbourne in Australia, where he studied under a Fulbright Scholarship. He speaks French, Spanish, and Swahili fluently and also is proficient in Arabic, Hebrew and Russian.